CASE SUMMARY

Complaint against the Housing Department for : (a) delay of some five months in notifying the complainant about the cancellation of his application for public housing; and (b) mishandling his letters.

The Complaint

According to the complainant, he attended an interview at the Housing Department (HD) on 20 November 1997 for assessment of his eligibility for public housing for the elderly. However, his income had exceeded the limit. The HD staff informed him that his application would be cancelled, but he might re-apply again after the lapse of one year. Nevertheless, he received a letter from the HD at the end of April 1998, i.e. half a year later, stating that the date of cancellation of his application was 5 March 1998 and not 20 November 1997. The complainant considered that the HD had delayed for some five months in notifying him that he was not eligible and the date for reinstatement of his application had been deferred as a result.

2. The complainant alleged that he had submitted letters to the HD in person on 21 May and 9 September 1998, pointing out that the date for reinstatement of his application should be one year from 20 November 1997. The HD staff acknowledged receipt by affixing a date chop on the copies of the letters. However, the HD later denied having received his letters. The complainant, therefore, lodged a complaint with The Ombudsman.

Information Provided by the Housing Department

Complaint point (a)

3. Generally speaking, the HD takes about two months to process an application (from date of the interview to issue of the notification of the result). As a matter of fact, it is not possible for the interviewer to verify the information provided by the applicant and endorse the application at the interview. The interviewer has to prepare a report with recommendation for consideration and approval by his superior. It is also stipulated in the Performance Standards of the HD that if the information provided by the applicant is in order, the HD will notify him within two months after the interview whether or not he is eligible for public housing.

4. The complainant submitted an application for public housing under the Single Elderly Persons Priority Scheme on 29 April 1996. The Applications Section of the HD interviewed him on 20 November 1997, collecting and

cross-checking the necessary information with him. Next, the Assistant Housing Manager of the Section would examine his application and the report submitted by the interviewer in sequence. On 5 March 1998, after verifying that the income of the complainant had exceeded the stipulated limit, the Assistant Housing Manager endorsed that the application should be cancelled. The HD notified the complainant on 29 April 1998 that his application had been cancelled and the date of cancellation was 5 March 1998.

5. In the latest development, the complainant wrote to the HD on 4 March 1999 requesting for reinstatement of his application. The HD subsequently reinstated his application on 5 March 1999.

Complaint point (b)

6. In December 1998, the complainant wrote to the Director of Housing (D of H) to file a similar complaint and attached copies of the letters which he claimed to have been submitted earlier to the HD on 21 May and 9 September 1998. Only then did the HD realize that he might have lodged written enquiries through the Enquiry Counter (EPS). After searching through all the relevant records, the HD still could not trace their whereabouts. The HD sent an apology to the complainant at the end of January 1999 because of the oversight.

Observations and Conclusions

Complaint point (a)

7. As far as this case is concerned, the processing (from date of the interview to issue of the notification of the result) has taken some five months. The HD explained that the interviewer had to prepare a report after the interview for consideration and approval by his superior. The Assistant Housing Manager completed the processing of the case on 5 March 1998, i.e. three and half months after the interview, and next informed the applicant that his application had been cancelled. For all applications for public housing, the date of completion of the processing of the case by the Assistant Housing Manager is taken to be the date of either acceptance or cancellation of the application. This is an established procedure applicable to all applications and the complainant had not been treated unfairly.

8. Nevertheless, the HD failed to adhere to its Performance Standards of notifying the applicant of the result within two months after the interview. The time taken was too long. There was delay on the part of the HD. The Department explained that at that time the Applications Section had a heavy caseload and there were long holidays before and after the New Year. The overall progress of work was affected. However, the HD did send an interim reply to the complainant within two months stating that his case was still being processed. So, the complainant was aware that the HD was still processing his case.

9. After the completion of the processing of the case, the Applications Section had taken over one month to notify the complainant of the result in writing . The HD explained that the Section did not have on-line facilities at the time. However, the notification letter was a standard document, the step to be taken should be quite simple. This Office holds the view that there was indeed delay on the part of the Applications Section as the notification letter was only sent out over one month after the HD had decided to cancel the application. Moreover, the Applications Section did not contact the complainant again or give him another interim progress note subsequent to the first interim reply on 19 January 1998. The HD did not inform him of the cancellation until 29 April 1998. The Ombudsman, therefore, concludes that this complaint point is **substantiated**.

10. This Office is pleased to note that the HD will continually review its work flow so that improvements could be made. Since 1 April 1998, the HD have reorganized its Applications Section and redeployed its resources. On-line computerized facilities have been provided for processing the applications. As a result, considerable improvement has been made.

Complaint point (b)

11. The HD explained that when the complainant wrote to the D of H to file a similar complaint in late December 1998, the Department had immediately searched all the relevant records, but still could not find the two letters. In January 1999, the HD had sent an apology to the complainant because of the oversight. The HD had also reminded the staff again that they should be more vigilant in future to prevent recurrence of similar incidents. However, in view of the fact that the documents have been misplaced thrice over a period of ten months (i.e. from mid-1998 to March 1999) in the present case, this Office considers that the HD should thoroughly review and monitor the procedures for the receipt and filing of documents. As such, The Ombudsman considers this complaint point **substantiated**.

12. All points considered, The Ombudsman concludes that this complaint is **substantiated**.

Recommendations

13. The Ombudsman has made the following recommendations to the D of H for consideration -

(a) to review the procedures of processing applications for public housing by the elderly to ensure compliance with the departmental Performance Standards; to enhance communication with the applicants and brief them in advance how the date of cancellation of applications will be determined; and to state explicitly the dates on which their applications will be reinstated and put on the Reserve Waiting List in the notification letters so as to avoid misunderstanding; and

(b) to review the existing procedures for the receipt and filing of documents so as to prevent the recurrence of similar incidents.

Comments from the D of H and other opinions

14. The D of H does not agree to the conclusion that complaint point (a) is substantiated on the grounds that -

(i) According to the HD, though the Department failed to complete the processing of the complainant's application within two months,

it had processed the applications in sequence. In fact, the HD had followed up the case according to the "Guide Book for Processing Waiting List Applications".

(ii) With the reorganization of the Applications Section and the redeployment of resources, the procedures of processing the applications by the elderly had already been improved and the time required for processing applications was within the targets laid down in the Performance Standards.

15. The HD has accepted recommendation (a) and implemented it immediately. As to recommendation (b), the HD's Applications Section has been moved to the Hong Kong Housing Authority Customer Service Centre in Wang Tau Hom South Road in Kowloon since late July 1999. This will enable the HD to further improve its customer services and to deploy customer services assistants so as to assist the general public better. The HD has already reminded all customer service assistants, security guards and receptionists that they should pay special attention to the elderly applicants and make sure that they will get prompt, efficient and proper services when they come to the Customer Service Centre.

Final Remarks

16. Having carefully considered the comments from the D of H, The Ombudsman is of the view that the conclusion and recommendations in the report should remain unchanged. In the present case, delay had been caused by the HD's failure to notify the applicant whether he was eligible within two months after the interview in accordance with the Performance Standards. This Office is pleased to note that with the reorganization of the Applications Section, the procedures of processing applications have already been improved. This Office hopes that the HD will continue to monitor and review the procedures of processing applications to ensure compliance with the Performance Standards and that the Department will enhance communication with the applicants and brief them in advance how the date of cancellation of applications will be determined so as to avoid misunderstanding. This Office is also pleased to note that the HD has responded positively to our recommendations and has already taken action to improve the procedures of processing applications.

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